



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,071	12/06/2000	Taiichi Matsuo	923.1004CIP	1281

21831 7590 08/15/2003

STEINBERG & RASKIN, P.C.  
1140 AVENUE OF THE AMERICAS, 15th FLOOR  
NEW YORK, NY 10036-5803

EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,071

Applicant(s)

MATSUO ET AL.

Examiner

Michael J Kyle

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 5. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO 97/45814 (WIPO '814). WIPO '814 discloses an electronic settling system comprising a computer (1), wherein the computer includes a user electronic money data storage means for memorizing user electronic money data, an issuer electronic money data storage means for memorizing electronic money data when electronic money is issued, and a receiving means for receiving electronic money issuance demand ("receive payee's details", page 10, line 40) information sent from a portable information terminal of a user. WIPO '814 also discloses a means for sending, upon the receipt of electronic money issuance demand information, electronic money data based on this electronic money issuance demand information from said user electronic money data storage means corresponding to the electronic money issuance demand information to said issuer electronic money data storage means ("the terminal (1) sends the required amount of telecash", page 11, line 1), to thereby memorize the electronic money data in said issuer electronic money data storage means. Furthermore, WIPO '814 discloses an electronic money issuance means for transmitting the electronic data memorized in the issuer electronic money data storage means to a portable information terminal (2) of a predetermined one of the users, based on the electronic money issuance demand information.

Art Unit: 3676

3. With respect to claim 35, WIPO '814 discloses the computer (1) further comprises a means for receiving an electronic money data (the bill, described on page 11, line 2) sent from a portable information terminal (2) of the user and memorizing this received electronic money data in said user electronic money data storage means for a predetermined user, based on this electronic money data. The examiner asserts the amount deducted from the bill would be stored in the computer (1) in order to maintain the account balance.

4. Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by WIPO 98/34203 (WIPO '203). WIPO '203 discloses an electronic settling system for executing settlements, comprising a card information processing apparatus (program that stores card information) and a card authentication apparatus (18), wherein the card information processing apparatus includes a means for receiving, when credit card or debit card or other card information (financial ID) memorized in a portable information terminal (12) of a user is sent from this portable information terminal, such card information, and sending this card information to the card authentication apparatus (18), the card authentication apparatus includes a means for receiving the card information sent from the card information processing apparatus, performing predetermined authentication based on this card information, and then sending authentication result information to the card information processing apparatus, the card information processing apparatus includes a means for receiving the authentication result information sent from said card authentication apparatus (last paragraph on page 6 – first paragraph on page 8).

Art Unit: 3676

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 5-6, 8-9, 12, 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO 98/34203 (WIPO '203). WIPO '203 discloses an electronic settling system for executing settlements on the Internet, comprising a computer (18 and 28 or 30), wherein said computer includes a storage means for storing financial transaction information of every user, a settling information receiving means for receiving settling information transmitted from the user through a telecommunication line, and a settlement execution means for executing a settlement between the users based on the settling information received by said settling information receiving means. Official notice is taken that many financial accounts include updating means for updating the financial transaction information of the users stored in said storage means so as to reflect the content of the settlement executed by said settlement execution means. The examiner notes that 28 and 30 are the credit or debit companies, as described in the specification of WO '203. The examiner asserts, that because 28 and 30 are contacted electronically, that they comprise a computer, with user account information that would include financial transaction information of a user, means for receiving settling information, and means for executing the settlement (page 8, first full paragraph).

7. With respect to claim 2, WIPO '203 discloses the settling information receiving means to be adapted to receive the settling information transmitted from a portable information terminal (12) of the user.

Art Unit: 3676

8. With respect to claims 5-6, WIPO '203 discloses the computer (18 and 28 or 30) to further include means for transmitting the user's own financial transaction information to a device of the user in response to a request sent from the device of the user, which device is connected to said computer (page 7, 1<sup>st</sup> full paragraph).

9. With respect to claim 8, WIPO '203 discloses the electronic settling system to further comprise a purchase information input device (14) which includes means for transmitting purchase information that has been input therein to a portable information terminal (12) of the user and means for receiving authenticated purchase information sent from the portable information terminal of the user and for transmitting the settling information based on the authenticated information to said computer. WIPO '203 also discloses the computer to include means for transmitting the information of settled results to said purchase information input device, when said computer receives said settling information transmitted from said purchase information input device through said settling information receiving means and then executes the settlement using said settlement execution means. Furthermore, WIPO '203 discloses the purchase information input device to include means for receiving the information of settled results transmitted from said computer.

10. With respect to claim 9, WIPO '203 discloses the electronic settling system to further comprise a purchase information input device (14) which includes means for transmitting purchase information that has been input thereinto to a portable information terminal of the user. WIPO '203 also discloses the computer to include means for transmitting the information of settled results to said purchase information input device, when said computer receives authenticated settling information transmitted from the portable information terminal of the user

Art Unit: 3676

through said settling information receiving means and then executes the settlement using said settlement execution means, the authenticated settling information being created by receiving the purchase information transmitted from said purchase information input device and authenticating the purchase information. Furthermore, WIPO '203 discloses the purchase information input device (14) to include means for receiving the information of settled results transmitted from said computer.

11. With respect to claim 12, WIPO '203 discloses an electronic settling system wherein said computer includes means for transmitting the information of settled results to a portable information terminal (12) which is the source of the information transmission when said computer receives the settling information transmitted from the portable information terminal through said settling information receiving means and then executes the settlement using said settlement execution means.

12. With respect to claim 24, WIPO '203 discloses that upon the receipt of settling information sent through the telecommunication line, said computer (18, 28 or 30) performs the process of withdrawing the payment from the payer's account, based on this settling information, and sends information about the completion of the process of withdrawing to the settling information sender when the process of withdrawing the payment is completed, and after the transmission of the information about the completion of the process of withdrawing, said computer performs the process of depositing the payment in the payee's account (page 12, second paragraph).

13. With respect to claim 37, WIPO '203 discloses an electronic settling method using a computer, comprising the steps of storing financial transaction information of

Art Unit: 3676

every user in said computer (28 or 30) upon receipt of settling information transmitted from the user (user of portable device 12) through a telecommunication line, and executing the settlement between the users based on the settling information. Official Notice is taken that many financial institutions update account information of users after a financial transaction.

14. Claims 3, 4, 7, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of Rosenberg et al (U.S. Patent No. 6,363,357). WIPO '203 recites all of the limitations of claims 1 and 2 above, but does not disclose the financial transaction information of the user stored in said storage means to include settlement history information of the user.

15. Rosenberg et al teaches financial transaction information of the user stored in storage means to include settlement history information of the user so that buyers and merchants have ready access to the status of all activities associated with their accounts (column 9, lines 28-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 as taught by Rosenberg et al, to include settlement history information, so that the buyers and merchants have ready access to the status of all activities associated with their accounts.

16. With respect to claim 7, WIPO '203 discloses the computer (28 or 30) to further include means for transmitting the user's own financial transaction information to a device of the user in response to a request sent from the device of the user, which device is connected to said computer (page 7, 1<sup>st</sup> full paragraph).

17. Claims 11, 19-21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of European Patent 0780802 A2 (EPO '802). WIPO '203 recites all of

Art Unit: 3676

the limitations of claim 1 above, and further discloses a purchase information input device (14) including means for receiving authentication information transmitted from a portable information terminal (12) of the user, the purchase information input device including means for transmitting purchase information to the portable information terminal of the user, and the purchase information input device includes means for receiving the purchase information transmitted from the portable information terminal (12) of the user. WIPO '203 also disclose the computer to include means for transmitting the information of settled results to the purchase information input device. WIPO '203 does not disclose an entrance-exit control means arranged at an entrance-exit gate.

18. EPO '802 teaches an entrance-exit control means arranged at an entrance-exit gate (abstract) such that when a computer (130) receives settling information transmitted from said entrance-exit control means through said settling information receiving means and then executes the settlement using said settlement execution means and the entrance-exit control means includes means for controlling the opening or closing of said entrance-exit gate based on the information of settled results transmitted from said computer to allow for better traffic and patron flow through a toll line. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 as taught by EPO '802 to provide better traffic and patron flow through a toll or check out line.

19. With respect to claim 19, WIPO '203 recites all of the limitations of claim 1 above, but does not disclose the storage means to include a data file for every user, and one said data file integrates financial transaction information of the one user, and when said computer reads out

Art Unit: 3676

the financial transaction information of a user, said computer specifies the data file of the user and reads out this data file.

20. EPO '802 teaches storage means to include a data file for every user, and one said data file integrates financial transaction information of the one user, and when said computer reads out the financial transaction information of a user, said computer specifies the data file of the user and reads out this data file (column 3, line 45-column 4, line 2) so that a user may be properly billed or charged for a transaction. Therefore, it would have been obvious to one of ordinary skill in the art to modify WIPO '203 as taught by EPO '802 so that a user may be properly billed or charged for a transaction.

21. With respect to claim 20, Official Notice is taken that a computer may comprise a plurality of database servers and the storage means of each said database server includes said data file of each of a plurality of users.

22. With respect to claim 21, WIPO '203 discloses an electronic settling system wherein the computer reads out said data file of a user, by finding said data file server where said data file of this user is stored and the storage location of said data file for this user in said storage means of this database server, based on the user's branch number and account number. The examiner asserts that in WIPO '203, the account number and other financial ID to access the user's credit card or bank account. Using the branch number as an access parameter is equivalent to using any other numerical ID code.

23. With respect to claims 25-27, WIPO '203 discloses that upon the receipt of settling information sent through the telecommunication line, said computer (18, 28 or 30) performs the process of withdrawing the payment from the payer's account, based on this settling information,

Art Unit: 3676

and sends information about the completion of the process of withdrawing to the settling information sender when the process of withdrawing the payment is completed; and after the transmission of the information about the completion of the process of withdrawing, said computer performs the process of depositing the payment in the payee's account.

24. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of Horstmann (U.S. Patent No. 6,009,401). WIPO '203 recites all of the limitations of claim 1 above, but does not disclose a system being adapted for a settlement between a customer as one of the users and a shop as the other one of the users on the Internet, at least some of articles provided by the shop are provided with a settlement restriction inhibiting a spot settlement so as to allow cancellation of the contract for a fixed period of time after the purchase of an article. Furthermore, WIPO '203 does not disclose that when an article with a settlement restriction is to be purchased by the customer and the settling information is sent to said computer, this settling information is made to include the settlement restriction information, and in a case that said settling information includes said settlement restriction information, said settlement execution means of said computer executes the formal settlement, after the fixed period of time has elapsed, based on said settlement restriction information.

25. Horstmann teaches a system where an end user may request a refund for software through a product server. The role of the product server is to effect a credit transaction and, according to the terms of the end-user license, to refund the purchase price of a recently purchased software product for which the customer has requested license revocation (column 3, lines 8-12). The examiner also notes that it is well known and obvious to place a time limit for such a transaction to take place. Horstmann uses the system to conveniently add, remove, re-

Art Unit: 3676

download, and re-license software from a server. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 as taught by Horstmann in order to conveniently perform software transaction over the Internet.

26. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of *Jacoves et al* (Patent Application Publication US 2001/0018664). WIPO '203 recites all of the limitations of claim 1 above, but does not disclose a system that is adapted for a settlement between a customer as one of the users and a shop as the other one of the users on the Internet, at least some of articles provided by the shop are provided with a settlement restriction restricting the purchase of an article by particular customers, when an article with a settlement restriction is to be purchased by the customer and the settling information is sent to said computer, and this settling information is made to include the settling information. WIPO '203 also does not disclose that in a case that said settling information includes said settlement restriction information, said settlement execution means of said computer distinguishes whether the customer is included under the particular customers, and executes the settlement, based on the result of the distinction.

27. *Jacoves et al* teaches a method of processing information through a clearinghouse where a quantity limit is established for certain products, to restrict the amount of goods that may be purchased at a certain price. The examiner notes in the case of a quantity limit, a customer may only purchase a certain quantity of the product at the given price. After a customer purchases the maximum quantity, they will be restricted from buying the product at the certain price, thereby excluding them from the "particular customers" group. Therefore, it would have been obvious to

Art Unit: 3676

one of ordinary skill in the art at the time the invention was made, to modify WIPO '203 as taught by Jacoves et al in order to limit the quantity of a product sold at a certain price.

28. Claims 22, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of EPO '802 as applied to claim 20 above, and further in view of Herz (U.S. Patent No. 6,460,036). WIPO '203 and EPO '802 recite all of the limitations of claim 20 and 21 above, but neither discloses a particular one of said database servers to be provided in said storage means thereof with a main data file for particular users, and the plurality of other said database servers are each provided in said storage means thereof with an auxiliary data file for said particular users, or financial transaction information of said auxiliary data file is sent to the particular said database server, and financial transaction information of said particular users is integrated in said main data file.

29. Herz teaches a plurality of proxy servers, the first server having a pseudonym database, the second server having a detailed user profile (column 34, lines 53-60). Herz uses the separate servers and databases in order to disassociate the user profile and the user interest summary from the user's true identity (column 34, lines 34-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 and EPO '802 as taught by Herz in order to disassociate certain information for each particular user.

30. With respect to claim 28, WIPO '203 discloses that upon the receipt of settling information sent through the telecommunication line, said computer (18, 28 or 30) performs the process of withdrawing the payment from the payer's account, based on this settling information, and sends information about the completion of the process of withdrawing to the settling information sender when the process of withdrawing the payment is completed; and after the

Art Unit: 3676

transmission of the information about the completion of the process of withdrawing, said computer performs the process of depositing the payment in the payee's account.

31. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of Matsumori (U.S. Patent No. 6,246,998). WIPO '203 recites all of the limitations of claim 24 above, but fails to disclose that upon the receipt of settling information sent through the telecommunication line, said computer creates a log file based on this settling information and memorizes the created log file in a log file database and the settlement execution means of the computer performs the settlement based on the contents of said log file memorized in said log file database.

32. Matsumori teaches a system where upon the receipt of settling information (i.e. price, column 3, lines 4-5) sent through the telecommunication line, said computer creates a log file based on this settling information (column 2, line 65 - column 3, line 10) and memorizes the created log file in a log file database and the settlement execution means of the computer performs the settlement based on the contents of said log file memorized in said log file database. Because Matsumori describes the log file as a "transaction log file", the examiner asserts that the information in the log file is used to perform the transaction, or settlement. Matsumori uses the log file in order to modify the transaction information before a final transaction, or settlement, is made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 as taught by Matsumori in order to be able to modify the transaction information before a final transaction, or settlement, is made.

Art Unit: 3676

33. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of EPO '802 as applied to claims 25-27 above, and further in view of Matsumori. WIPO '203 and EPO '802 recite all of the limitations of claims 25 and 26 above, but fail to disclose that upon the receipt of settling information sent through the telecommunication line, said computer creates a log file based on this settling information and memorizes the created log file in a log file database and the settlement execution means of the computer performs the settlement based on the contents of said log file memorized in said log file database.

34. Matsumori teaches a system where upon the receipt of settling information (i.e. price, column 3, lines 4-5) sent through the telecommunication line, said computer creates a log file based on this settling information (column 2, line 65 - column 3, line 10) and memorizes the created log file in a log file database and the settlement execution means of the computer performs the settlement based on the contents of said log file memorized in said log file database. Because Matsumori describes the log file as a "transaction log file", the examiner asserts that the information in the log file is used to perform the transaction, or settlement. Matsumori uses the log file in order to modify the transaction information before a final transaction, or settlement, is made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 as taught by Matsumori in order to be able to modify the transaction information before a final transaction, or settlement, is made.

35. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '203 in view of EPO '802 and Herz as applied to claim 28 above, and further in view of Matsumori. WIPO '203, EPO '802, and Herz recite all of the limitations of claims 25 and 26 above, but fail

Art Unit: 3676

to disclose that upon the receipt of settling information sent through the telecommunication line, said computer creates a log file based on this settling information and memorizes the created log file in a log file database and the settlement execution means of the computer performs the settlement based on the contents of said log file memorized in said log file database.

36. Matsumori teaches a system where upon the receipt of settling information (i.e. price, column 3, lines 4-5) sent through the telecommunication line, said computer creates a log file based on this settling information (column 2, line 65 - column 3, line 10) and memorizes the created log file in a log file database and the settlement execution means of the computer performs the settlement based on the contents of said log file memorized in said log file database. Because Matsumori describes the log file as a "transaction log file", the examiner asserts that the information in the log file is used to perform the transaction, or settlement. Matsumori uses the log file in order to modify the transaction information before a final transaction, or settlement, is made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '203 as taught by Matsumori in order to be able to modify the transaction information before a final transaction, or settlement, is made.

37. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO 99/33034 (WIPO '034). WIPO '034 discloses an electronic settling system for executing settlements on the Internet, comprising a computer (18, 31-35), wherein said computer includes a storage means for storing financial transaction information of every user, a settling information receiving means for receiving settling information transmitted from the user through a telecommunication line, and a settlement execution means for executing a settlement between

Art Unit: 3676

the users based on the settling information received by said settling information receiving means. Official notice is taken that many financial accounts include updating means for updating the financial transaction information of the users stored in said storage means so as to reflect the content of the settlement executed by said settlement execution means. The examiner notes that 31-35 are the banking network, credit card, wireless provider, internet provider, or other financial company, as shown in the figure 3 of WIPO '034. The examiner asserts, that because 31-35 are contacted electronically, that they comprise a computer, with user account information that would include financial transaction information of a user, means for receiving settling information, and means for executing the settlement.

38. With respect to claim 10, WIPO '034 discloses the electronic settling system according to claim 1, further comprising an automatic vending machine (page 8, line 10) which includes means for receiving information transmitted from a portable information terminal of the user for specifying which article is to be purchased and transmitting the settling information based on the received information to said computer. WIPO '034 also discloses the computer to include means for transmitting the information of settled results to said automatic vending machine, when said computer receives the settling information transmitted from said automatic vending machine through said settling information receiving means and then executes the settlement using said settlement execution means. Furthermore, Official Notice is taken that automatic vending machines to include means for discharging articles based once payment is received.

39. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '034 in view of European Patent 0713198 A2 (EPO '198). With respect to claims 15 and 17, WIPO

Art Unit: 3676

'034 recites all of limitations of claim 1 above, but does not disclose a ticket vending apparatus which includes a means for sending inputted ticket purchase information to a portable information terminal of a user, and a means for receiving authenticated ticket purchase information sent from said portable information terminal of the user and sending settling information based on the authenticated ticket purchase information to said computer; wherein the computer comprises a means for, when the settling information sent from said ticket vending apparatus is received by said settling information receiving means and the settlement is executed by the settlement execution means, sending the settlement result information to said ticket vending apparatus; and the ticket vending apparatus comprises a means for receiving the settlement result information sent from the computer, and sending ticket data about the ticket of which settlement has been established to the portable information terminal of the user.

40. EPO '198 teaches a ticket vending apparatus (1) which includes a means for sending inputted ticket purchase information to a portable information terminal (2) of a user, and a means for receiving authenticated ticket purchase information sent from said portable information terminal of the user and sending settling information based on the authenticated ticket purchase information to said computer; wherein the computer comprises a means for, when the settling information sent from said ticket vending apparatus is received by said settling information receiving means and the settlement is executed by the settlement execution means, sending the settlement result information to said ticket vending apparatus; and the ticket vending apparatus comprises a means for receiving the settlement result information sent from the computer, and sending ticket data about the ticket of which settlement has been established to the portable information terminal of the user. EPO '198 uses the ticket vending apparatus to eliminate the

Art Unit: 3676

cost of a paper ticket and increase convenience to the customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '034 as taught by EPO '198 in order to eliminate the cost of a paper ticket and increase convenience to the customer. EPO '198 further teaches a means for receiving a ticket data memorized in the portable information terminal (2) of the user when the ticket data is sent, and a means for authenticating the received ticket data, disposed at the entrance for admitting entry of the user provided that the ticket is presented.

41. With respect to claims 16 and 18, WIPO '034 recites all of the limitations of claim 1 above, but does not disclose a ticket vending apparatus which includes a means for sending inputted ticket purchase information to a portable information terminal of a user; wherein the computer comprises a means for, when the settling information which is sent from the portable information terminal of the user and which is the ticket purchase information sent from said ticket vending apparatus and authenticated is received by said settling information receiving means, and the settlement is executed by said settlement execution means, sending the settlement result information to said ticket vending apparatus; and the ticket vending apparatus comprises a means for receiving the settlement result information sent from the computer, and sending ticket data about the ticket of which settlement has been established to the portable information terminal of the user.

42. EPO '198 teaches a ticket vending apparatus (1) which includes a means for sending inputted ticket purchase information to a portable information terminal (2) of a user; wherein the computer comprises a means for, when the settling information which is sent from the portable information terminal of the user and which is the ticket purchase information sent from said

Art Unit: 3676

ticket vending apparatus and authenticated is received by said settling information receiving means, and the settlement is executed by said settlement execution means, sending the settlement result information to said ticket vending apparatus; and the ticket vending apparatus comprises a means for receiving the settlement result information sent from the computer, and sending ticket data about the ticket of which settlement has been established to the portable information terminal of the user. EPO '198 uses the ticket vending apparatus to eliminate the cost of a paper ticket and increase convenience to the customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WIPO '034 as taught by EPO '198 in order to eliminate the cost of a paper ticket and increase convenience to the customer. EPO '198 further teaches a means for receiving a ticket data memorized in the portable information terminal of the user when the ticket data is sent, and a means for authenticating the received ticket data, disposed at the entrance for admitting entry of the user provided that the ticket is presented.

### *Conclusion*

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to electronic settlement devices, money or digital money transfer methods, and other information transfer or settlement methods: Bernstein, Maes et al, Lawler et al, Sugimori, Ogasawara, Randle et al, and Kolls.

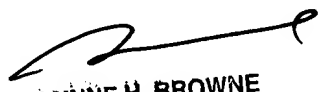
Art Unit: 3676

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

46. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk  
August 7, 2003

  
LYNNE H. BROWNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3880